

REMARKS

Claims 1 – 24 are pending in the application, of which claims 2, 7, 10, 13, 15 and 22 are canceled and claims 1,3-6, 8, 9, 11, 12, 14, 16-21, 23 and 24 are rejected.

Drawings

The drawings were objected to by the Examiner due to lack of the reference numeral 64. Amended drawings are included with this response and thus the present objection is believed to be overcome.

Claim Rejections – 35 USC 102

In this section of the official action, Claims 1 – 2 and 5-23 were rejected under 35 USC 102(e) as being unpatentable over Kane U.S. Patent 6,088,571. Favorable reconsideration of this rejection is respectfully requested since, as will be shown below, it is believed that the claims as amended now describe a system which is fundamentally different from Kane.

Kane discloses a hybrid satellite-based system which uses a high earth orbit satellite system to broadcast a datastream. In order to reinforce reliability, when errors are detected in transmission, error information is transmitted over a low earth orbit connection. The datastream with errors from the high earth orbit system is then combined with the error information from the low earth orbit system to construct an error free data stream.

The above disclosure fails to teach the switching of the data stream itself between high earth orbit and low earth orbit. It additionally fails to disclose the sending in the forward link via low earth orbit satellites of data having media content.

By contrast Kane discloses the sending only of data being error data. That is to say it is data that can be used to correct errors in the data stream but which has no meaning or content of its own. Without the data stream that it is correcting the error data is completely meaningless.

Kane does not hint at sending media content type data via the low earth orbit satellite system. On the contrary he rejects the use of low earth orbit for transmission of media content data because “the line of sight coverage area is relatively small” (Kane Column 2 lines 14 and 15). The present embodiments overcome this problem because, although the line of sight of the individual satellite is indeed relatively small, the LEO constellation of numerous satellites nevertheless provides substantially complete coverage.

The independent claims of the present application have thus been amended to define that the data which is switched over the low earth orbit link in the forward direction is media content data having a media content data type. The feature is supported by the original text of claim 4, and by the description which explicitly recommends sending voice via the low earth orbit link (see page 13 line 6).

Claim 24 is rejected under 35 USC 102(e) as being anticipated by Ollikainen. Ollikainen teaches a broadcast and interactive system that uses three routes for data transmission, a Geostationary satellite system for datastream transmission, a cable system for datastream and a low earth orbit satellite system for control signalling, information requests, billing information, status and diagnostic requests and the like. As with Kane, Ollikainen fails to teach the sending of the datastream or media content data via the low earth orbit connection. Claim 24 has thus been amended to define the feature that media content data having a data content type is sent via the low earth orbit satellite connection.

Ollikainen does not even hint at using the low earth orbit satellites to transfer media content type data. On the contrary, in column 3 line 49 of Ollikanien it is recommended to use a *low bandwidth* modem for the low earth orbit connection. It is therefore submitted that claim 24 is both novel and inventive over Ollikanien.

In accordance with the reasons outlined above it is therefore believed that the independent claims are both novel and inventive over the cited prior art. It is further believed that the dependent claims are allowable as being based on allowable main claims.

In view of the foregoing, it is submitted that all of the issues raised by the Examiner are successfully overcome. All the claims now pending in the application are believed to be allowable over the cited references. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,



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Fig. 1 (PRIOR ART)

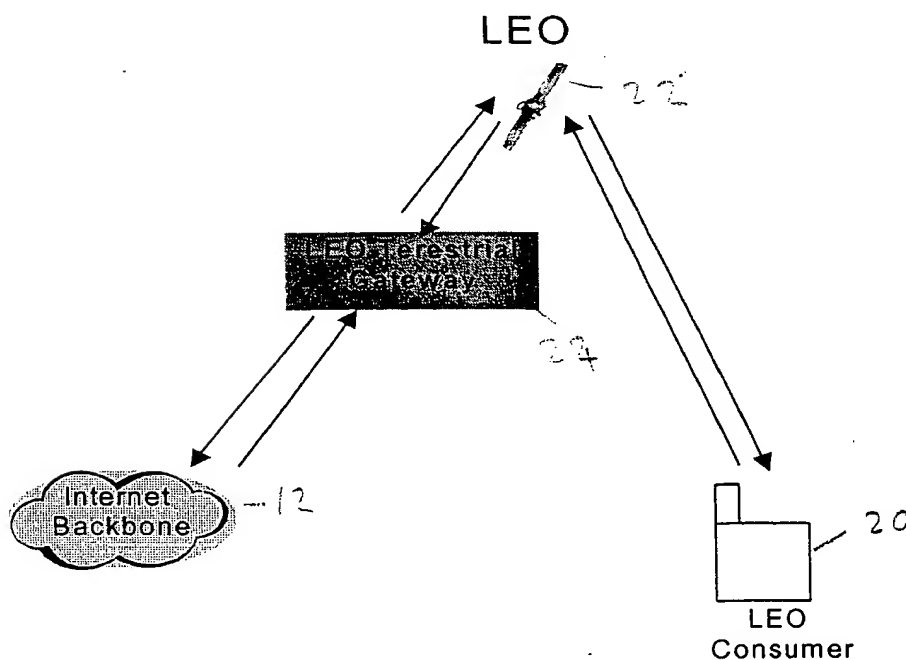
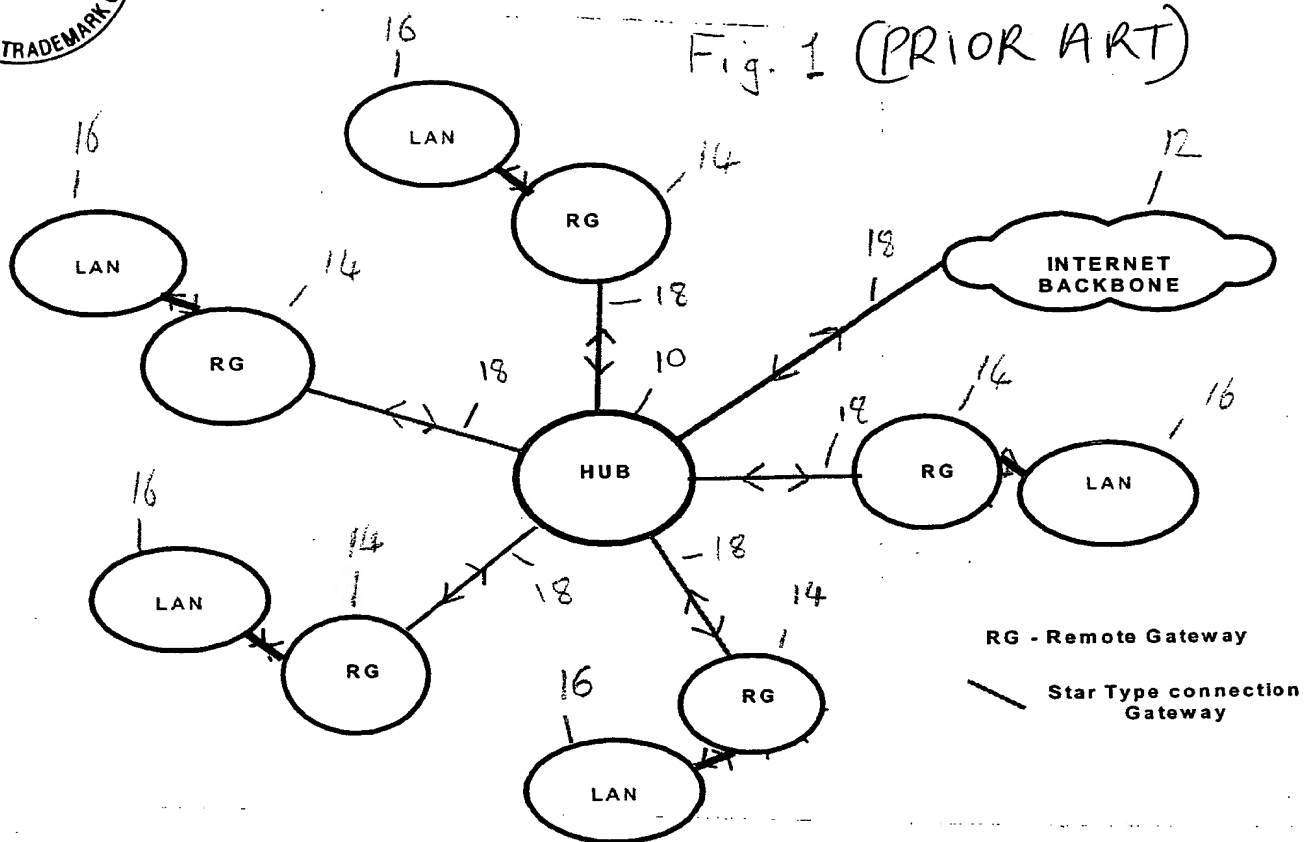
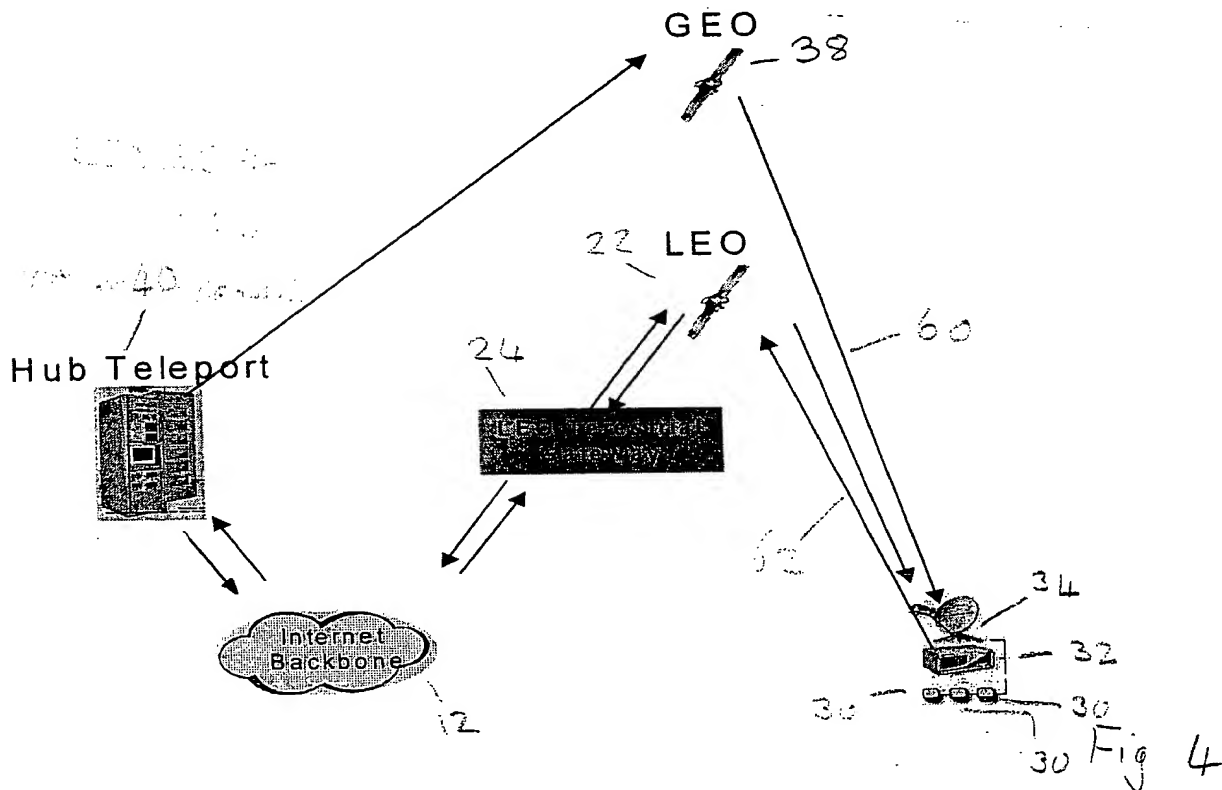
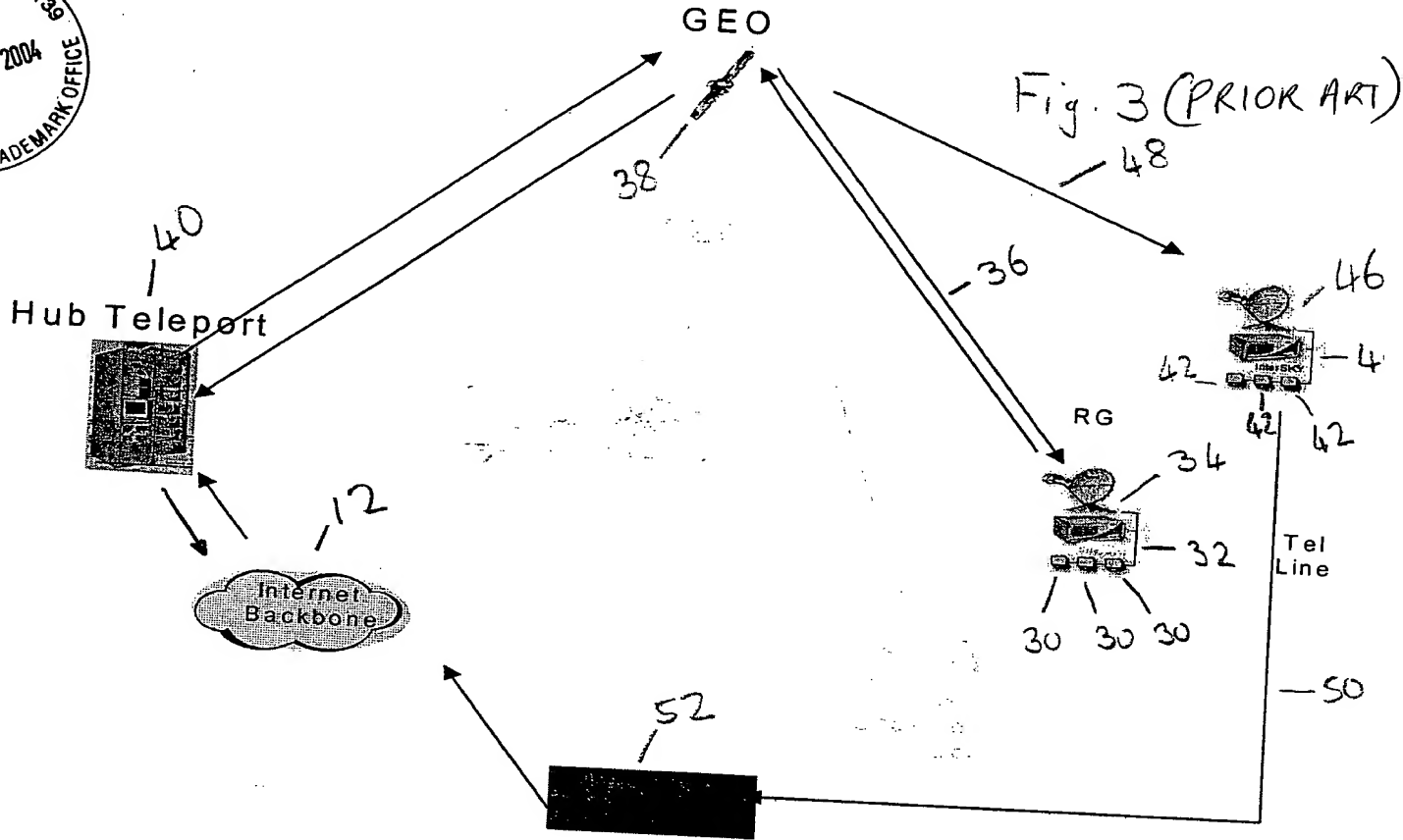


Fig. 2 (PRIOR ART)



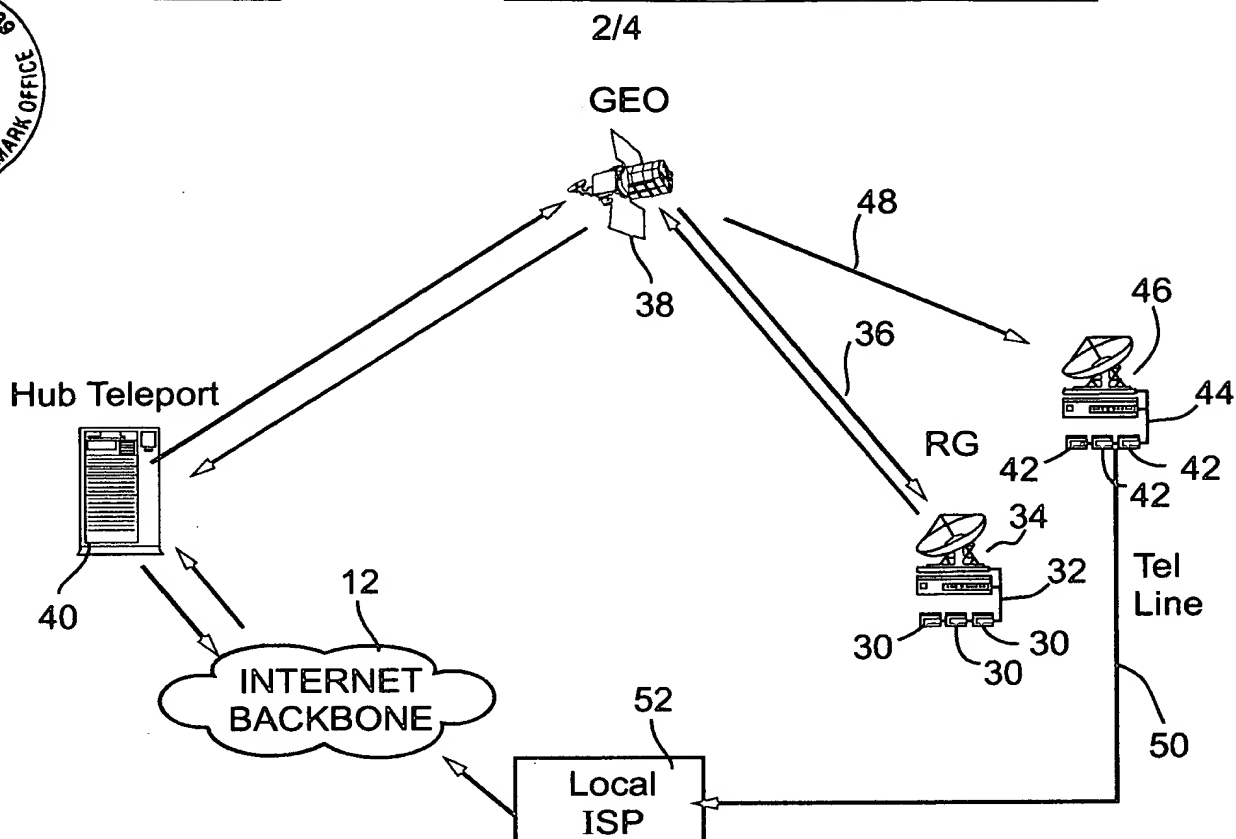


Fig. 3 (Prior Art)

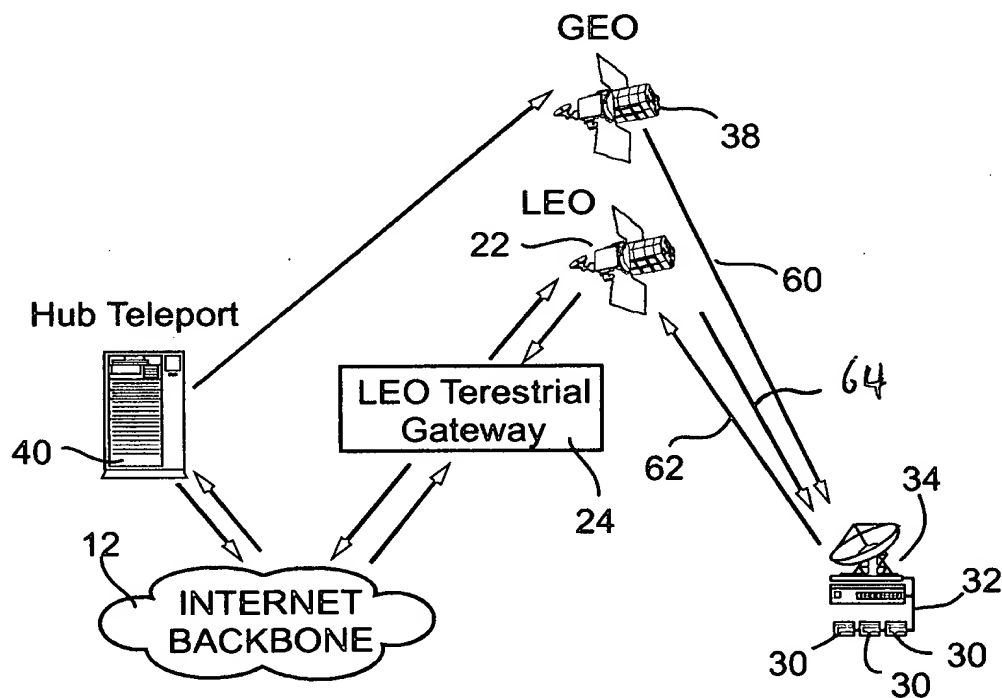


Fig. 4

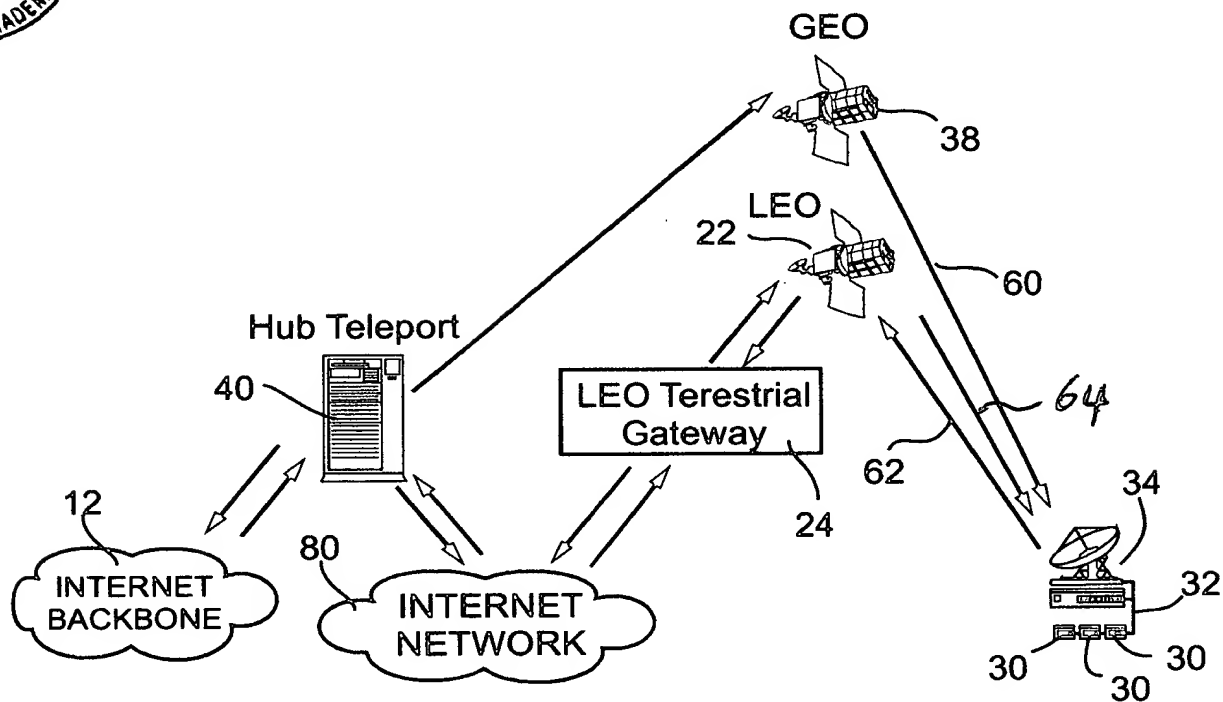


Fig. 7